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BIRCH STEWART KOLASCH & BIRCH			SELBY, GEVELL V	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/758,423	MISAWA ET AL.	
	Examiner Gevell Selby	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 3,4,7-10,12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 3,7-10 and 14 is/are allowed.
- 6) Claim(s) 4,12 and 15-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 January 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see the amendment, filed 10/8/04, with respect to the rejection(s) of claim(s) 4 and 12 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Torres, US 6,738,075.

1. Applicant's arguments filed on 10/8/04 have been fully considered but they are not persuasive in regard to claims 15-21.

The applicants submit that the prior art does not disclose the following limitations of the invention:

1) "a first display that displays some of the frames comprising the moving image as multi-images, wherein the multi-images are index images of the moving image" as recited in claim 15;

2) a first display that displays an image related to a moving image on the image monitor when the file selected by the selecting device contains image data of the moving image, wherein the image is presented in a dynamic manner..." as recited in claim 18;

3) "a choosing device, that chooses between image reproduction with the sound and image reproduction without the sound" as recited in claims 19 and 21. The Examiner respectfully disagrees.

Examiner's Response:

Re claim 15) The Torres reference discloses selecting and displaying a portion of a video sequence in preview mode wherein the multi-image frames are displayed on the display (440)

and the segments are indexed on the movie graph 432 of the video (see column 13, lines 39-59).

Claims 16 and 17 are not allowable because of the dependency on claim 15.

Re claim 18) The Torres reference discloses a first display that displays an image related to a moving image on the image monitor when the file selected by the selecting device contains image data on the moving image, wherein the image is presented in a dynamic manner (see column 7, line 63 to column 8, line 27: Depending on whether the moving image or still image is selected by the cursor box as shown in Figure 4B; The images are presented in a dynamic manner by scrolling the images).

Re claims 19 and 21) The Torres reference is choosing device, "Cue", that chooses between image reproduction with the sound and image reproduction with the sound (see column 14, lines 40-47) The reference discloses playing back video with and without audio as well as audio only (see column 11, line 67 to column 12, line 9). Claim 20 is not allowable because of the dependency on claim 19.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 15-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Torres et al., US 6,738,075.**

For claim 15, Torres et al., US 6,738,075, discloses an image reproducing apparatus, comprising:

a selecting device that selects a file from a storage medium storing files of moving images (Column 7, Lines 33-50; Figure 2A, Item 200, and Figure 4A: The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The Ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description);

a first display (see figure 13, element 440) that displays some of the frames comprising the moving image as multi-images, wherein the multi-images are index images of the moving image (see column 13, lines 48-59);

a moving image reproduction setting device that sets moving image reproduction (see figure 4A and 4B and column 7, lines 46-54 and column 9, lines 4-16); and

a second display that displays the moving image of the file selected by the selecting device on the image monitor when moving image reproduction is set by the moving image reproduction setting device. (see column 12, lines 15-24).

For claim 16, Torres et al., US 6,738,075, discloses all the previous limitations of claim 15, wherein:

the image related to the moving image is composed of frames of the beginning part, the middle part and the end part of the moving image (Column 13,

Lines 50-609 Figure 13, item 432 is a movie graph that shows the duration for the clip. This clip contains a beginning middle and end part.); and
the first display displays the frames together or sequentially.

(In the video editing screen, the user may change the clip by copying moving or deleting frames (Column 13, Lines 60-65); the frames are displayed as they are filmed by the digital camera sequentially.)

For claim 17, Torres et al., US 6,738,075, discloses all the previous limitations of claim 15, wherein:

the storage medium stores files of still images (Figure 1, Item 122; Column 3, Lines 59-65: The digital camera takes pictures of still images and they are stored on it since they are shown in a slide show. It is inherent that they are stored in the storage medium); and

the first display displays a still image on the image monitor when the still image is selected by the selecting device (Figure 17, There is a cue, scroll, and stop feature as is taught in Column 14, Lines 1-36. When the moving image is stopped, the current still frame of the motion clip is shown on the display area (440)).

For claim 18, Torres et al., US 6,738,075, discloses a digital imaging device (Figure 1, Item 110) that records and reproduces still images (Figure 3) and moving images (Figure 3) comprising:

a selecting device that selects a file from a storage medium storing both files of still images and files of moving images (Figure 2A, Item 200 and Column

7, Lines 33-50 and Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description);

a first display that displays an image related to a moving image on the image monitor when the file selected by the selecting device contains image data on the moving image, wherein the image is presented in a dynamic manner (see column 7, line 63 to column 8, line 27: Depending on whether the moving image or still image is selected by the cursor box as shown in Figure 4B; The images are presented in a dynamic manner by scrolling the images), and displays a still image on an image monitor when the file selected by said selecting device contains image data of the still image (Figure 4B, items 302 and 354, As indicated in Figure 3, the image displayed in 354 corresponds to selecting the still image 302);

a moving image reproduction setting device that sets moving image reproduction when the image related to the moving image is being displayed on the image monitor (Figure 4A and Column 7, Line 27 through Column 8, Line 27); and

(if the video image (indicated by the ladder) is selected, the device will take the user to the video-editing screen, where image reproduction is viewed (Column 13, Line 40, through Column 14, Line 40))

a second display that displays the moving image on the image monitor when the moving image reproduction is set by the moving image reproduction

setting device (Figure 14, Item 440 and Column 13, Line 30 through Column 14, Line 39).

For claim 19, Torres et al., US 6,738,075, discloses an image reproducing apparatus, comprising:

a selecting device that selects a tile from a storage medium storing files of moving images (Figure 2A, item 200; Column 7, Lines 33-50; Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description.);

a choosing device that chooses between image reproduction with the sound and image reproduction without the sound (Figure 4A, Column 6, Lines 39-45, and column 14, lines 40-47; the microphone icon represents images with sound; Images without sound do not have the microphone icon; sound is added in the editing mode by selecting the “Cue”); and

a reproducing device that reproduces the image and the sound when the choosing device chooses the image reproduction with the sound and reproduces only the image when the choosing device chooses the image reproduction without the sound (Figure 4A: The images or video can be selected with or without sound. The microphone icon represents images with sound. Images without sound do not have the microphone icon. Column 6, Lines 59-65).

For claim 20, Torres et al., US 6,738,075, discloses all the previous limitations of claim 19, wherein:

the storage medium stores files of images without sound (see column 6, lines 39-45 column 7, lines 45-60: The images without the microphone icon which are shown in Figure 4A are images that are stored and reproduced without sound), and

the reproducing device reproduces the image and the sound only when the selecting device selects the image with the sound and the choosing device chooses the image reproduction with the sound (Figure 4A, Column 6, Lines 39-45, and column 11, line 67 to column 12, line 9: The microphone icon represents images with sound. Images without sound do not have the microphone icon).

For claim 21, Torres et al., US 6,738,075, discloses a digital camera that records and reproduces images with sound and image without sound (Figure 1, Column 6, Lines 39-45, and Figure 4A: The microphone icon represents images with sound. Images without sound do not have the microphone icon), said digital camera comprising:

a selecting device that selects a file of an image from a storage medium storing files of the images with the sound and files of the images without the sound (Figure 2A, Item 200, Column 7, Lines 33-50, and Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A. Figure 3 shows a legend that matches the icon to its description.);

a choosing device that chooses between image reproduction with the sound and image reproduction without the sound (Figure 4A, Column 6, Lines 39-45, and column 14, lines 40-47; the microphone icon represents images with sound; Images without sound do not have the microphone icon; sound is added in the editing mode by selecting the “Cue”); and

a reproducing device that reproduces the image and sound when the file selected by the selecting device contains image data of the image with the sound and the choosing device chooses the image reproduction with the sound and reproduces only the image when the file selected by the selecting device contains image data of the image without the sound (Figure 4A, Column 6, Lines 39-45, and column 11, line 67 to column 12, line 9: The microphone icon represents images with sound. Images without sound do not have the microphone icon).

Regarding claim 22, Torres et al., US 6,738,075, discloses an image reproducing apparatus, comprising:

a display device (see column 1, element 140);
a memory (see figure 1, element 122) containing files representing still images and moving images; and

a processor (see figure 1, element 124), operably connected to the memory and the display device, which executes instructions for:

selectably reading a file from the memory, determining whether the file represents a still image or a moving image (The ladder icon represents moving images and the still box icon represents still images in Figure 4A, description), providing a first display mode

which displays a portion of the moving image dynamic manner to indicate the file represents the moving image (see column 13, lines 48-59), and optionally providing second display mode which reproduces the entire moving image on the display device (column 11, line 67 to column 12, line 9).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres et al., US 6,738,075.**

For claims 4 and 12, Torres et al., US 6,738,075, discloses a digital imaging device (Figure 1, item 1 10) that records and reproduces still images (Figure 3) and moving images (Figure 3) comprising:

a selecting device (Figure 2, item 200) that selects a file from a storage medium storing both files of still images and files of moving images (Column 7, Lines 33-50, Figure 2A, item 200, and Figure 4A; The Navigational Control allows a user to navigate through the nine media types as indicated in Figure 4A. The ladder icon represents moving images and the still box icon represents still images in Figure 4A, description);

a first display (Figure 4A, item 304) that displays a still image on an image monitor when the file selected by said selecting device contains image data of the still image (Figure 3 shows a legend that matches the icon to its a first display that displays a still image on an image monitor when the file selected by said selecting device contains image data of the still image; as indicated in Figure 3, the image shown in 304 corresponds to a frame of the still image);

a second display that consecutively and repeatedly previews a movie graph (432) of a moving image on the image monitor when the file selected by said selecting device contains image data of the moving image (Figure 14, Item 352 and column 13, lines 39-49); and

a third display that displays the moving image on the image monitor if a user operates said image reproducing apparatus for moving image reproduction when the frames of the moving image are being displayed consecutively and repeatedly on the image monitor by said second display (Figure 14, column 13, lines 47-59, and column 14, Lines 1-23).

The Torres reference does not disclose that the second display previews frames of a moving image in the video-editing mode; however, the Torres reference discloses displaying the second display, filmstrip (352), as thumbnails of frames recorded to preview image in the slideshow editing mode (see column 12, lines 27-49).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to configure the Torres reference to have the second display consecutively and repeatedly preview some frames of a moving image on the

image monitor when the file is selected by said selecting device, in order for the user the view the images to easily recognize where to insert the cues the begin and end the video clips.

Allowable Subject Matter

5. Claim 3 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The examiners search of the prior art did not reveal all the claimed limitations on the claim, specifically, the limitation wherein said second display shakes the frame of the moving image.

6. Claim 7 and 8 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The examiners search of the prior art did not reveal all the limitations of claim 7, specifically, wherein said second display shakes the frame of the moving image. Claim 8 is dependent on claim 7. Thus, it is allowed.

7. Claims 9 and 10 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The examiners search of the prior art did not reveal all the limitations of claim 7, specifically, wherein said display shaking the index image of the moving image. Claim 10 is dependent on claim 9. Thus, it is allowed.

8. Claim 14 is allowed under the same reasons as claim 9.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Thai Tran can be reached on 703-305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs



TUAN HO
PRIMARY EXAMINER